

# From the Upper Chamber



Senate Information Office ♦ 201 Legislative Office Building ♦ Atlanta, Georgia ♦ 404.656.0028

## Report for Tuesday, April 1, 2008

The thirty-eighth day of the 2008 legislative session was called to order by President Pro Tempore **Eric Johnson** of the 1<sup>st</sup>.

Senator **Jeff Mullis** of the 53<sup>rd</sup> stated that the journal had been read and was found to be correct.

Sen. **Preston Smith** of the 52<sup>nd</sup> moved to suspend the morning roll call. There was no objection.

Senate Resolutions 1285, 1288, 1289, 1291 and 1292 and House Bills 1466, 1468, 1469, 1471-1475, 1477-1480 and 1483 were read for the first time and assigned to committee. The clerk then read the reports of standing committees and second readers.

The clerk read SR 1183, which commends the Kendrick High School Lady Cherokees varsity basketball team for becoming the first girl basketball team ever to win a state championship in the Columbus-Phoenix City area. Sen. **Ed Harbison** of the 15<sup>th</sup> took the rostrum to speak to the resolution and recognize the team seated in the Senate gallery.

Sen. **Judson Hill** of the 32<sup>nd</sup> led the Senate in the Pledge of Allegiance. He then introduced the *Chaplain of the Day*, Reverend **Larry Arnold** of Eagles Nest Ministry in Atlanta, who led the Senate in the daily devotional.

Sen. **Regina Thomas** of the 2<sup>nd</sup> took the rostrum on a Point of Personal Privilege to recognize members of the Georgia Ports Authority seated in the Senate Gallery for their efforts during the sugar plant explosion at Ft. Wentworth.

The clerk read SR 1284, which recognizes and commends, the Grammy award winning contemporary Christian band, **Third Day**, for their success and contributions through their musical message of faith and hope. Sen. **Chip Rogers** of the 21<sup>st</sup> took the rostrum to speak to the resolution.

The Senate stood at ease to allow time for committees to meet and reconvened at 1:00 p.m.

Lieutenant Governor **Casey Cagle** took the gavel to preside over the Senate.

Sen. **Bill Jackson** of the 24<sup>th</sup> took the rostrum to introduce the *Doctor of the Day*, Dr. **Stewart Shevitz** of Augusta.

The clerk read the reports of standing committees and second readers.

Sen. **John Bulloch** of the 11<sup>th</sup> moved that rules be suspended to read SR 1300. There was no objection.

Sen. **Valencia Seay** of the 34<sup>th</sup> rose on a Point of Personal Privilege to announce the passing of civil rights leader, Reverend **E. Randel T. Osburn**.

Sen. **Ross Tolleson** of the 20<sup>th</sup> rose on a Point of Personal Privilege to announce the Senate Natural Resources and Environment Committee will be examining the current energy crisis.

Sen. **Dan Weber** of the 40<sup>th</sup> rose a Point of Personal Privilege to recognize pages working on the Senate chamber.

The Senate Consent Calendar of Privileged Resolutions, consisting of SR 1283, 1284, 1287, 1290, 1294-1299, was adopted.

The Senate Local Consent Calendar, consisting of Senate Bills 513, 557, 561 and HB 1269, 1271, 1272, 1302, 1332-1334, 1410, 1411, 1414, 1432, 1434, 1439, 1454-1456 and 1463-1465, was adopted by a vote of 53 to 0.

Sen. **John Wiles** of the 37<sup>th</sup> moved to adhere to the Senate Substitute to HB 1245 and that a Conference Committee be appointed. HB 1245 retains Georgia's system of indigent defense. There was no objection, and Senators **Mitch Seabaugh** of the 28<sup>th</sup>, **Wiles** and **Smith**.

Sen. **Rogers** moved to engross HB 1133. The bill was engrossed by a vote of 32 to 20.

Sen. **Rogers** moved to engross HB 1151. The bill was engrossed by a vote of 31 to 22.

Sen. **Rogers** moved to engross HB 1078. The bill was engrossed by a vote of 33 to 20.

Sen. **Rogers** moved to engross HB 1129. The bill was engrossed by a vote of 32 to 20.

Sen. **Rogers** moved to engross HB 1246. The bill was engrossed by a vote of 33 to 21.

Sen. **Rogers** moved to engross HB 237. The bill was engrossed by a vote of 34 to 20.

Sen. **Rogers** moved to engross HB 272. The bill was engrossed by a vote of 34 to 20.

Sen. **Rogers** moved to engross HB 670. The bill was engrossed by a vote of 32 to 20.

Sen. **Rogers** moved to engross HB 831. The bill was engrossed by a vote 33 to 22.

Sen. **Rogers** moved to engross HB 957. The bill was engrossed by a vote 32 to 21.

Sen. **Rogers** moved to engross HB 1065. The bill was engrossed by a vote 33 to 22.

Sen. **Rogers** moved to engross HB 1168. The bill was engrossed by a vote 31 to 22.

Sen. **Rogers** moved to engross HB 1178. The bill was engrossed by a vote 33 to 17.

Sen. **Rogers** moved to engross HB 1249. The bill was engrossed by a vote 31 to 20.

The clerk read HB 111, which allows a petition for a delayed certificate of birth to be filed in the probate court. Sen. **Michael Meyer von Bremen** of the 12<sup>th</sup> took the well to present the bill.

HB 111 passed by a vote of 52 to 0.

Sen. **Bulloch** moved to insist on the Senate Substitute to HB 1027. There was no objection.

The clerk read HB 188, which allows a jury duty exemption for primary unpaid caregivers. Sen. **David Adelman** of the 42<sup>nd</sup> took the well to present the bill.

HB 188 passed by a vote of 48 to 1.

The clerk read HB 333, which authorizes local law enforcement to sell or destroy confiscated weapons. Sen. **Seay** took the well to present the bill and yielded to questions from Sen. **Thomas** of the 2<sup>nd</sup>.

Sen. **Vincent Fort** of the 39<sup>th</sup> took the well to present Amendment 1, which adds provisions to limit the issuance of “no-knock” warrants.

Sen. **Seay** questioned germaneness of Amendment 1. Lt. Gov. Cagle found the amendment non-germane.

HB 333 passed by a vote 47 to 3.

The clerk read HB 470, which modifies the *Georgia Lemon Law* by creating a streamlined process for resolving complaints and disputes with new motor vehicles. Sen. **Meyer von Bremen** took the well to present the bill and yielded to questions from Sens. **Emanuel Jones** of the 10<sup>th</sup> and **Jackson**.

Sen. **Hill** of the 32<sup>nd</sup> took the well to present Amendment 1, which removes vehicle weight restrictions.

Sen. **Meyer von Bremen** took the well to close the debate and speak against Amendment 1.

Amendment 1 was adopted by a vote of 24 to 23.

The Committee Substitute to HB 470 was unanimously adopted as amended.

HB 470 passed by substitute by a vote of 50 to 0.

The clerk read HB 1133, which requires scholarship organizations to give a percentage of its annual revenue for scholarships and tuition grants. Sen. **Johnson** took the well to present the bill and yielded to questions from Sens. **Jones**, **Steve Thompson** of the 33<sup>rd</sup>, **Weber**, **Fort**, **Horacena Tate** of the 38<sup>th</sup>, **Rogers** and **Seay**.

Sen. **Jones** took the well to speak against the bill and voice concerns with isolating economically disadvantaged students.

Sen. **Seth Harp** of the 29<sup>th</sup> took the well to speak in support of the bill and yielded to questions from Sen. **Tate**.

Sen. **Thompson** of the 33<sup>rd</sup> took the well to speak against the bill regarding the destruction of school systems and yielded to questions from Sens. **Seay** and **Jones**.

Se. **Johnson** took the well to close the debate.

HB 1133 passed by a vote of 32 to 20.

Sen. **Rogers** moved to disagree to the House Substitute to SB 300. There was no objection.

Sen. **Ronnie Chance** of the 16<sup>th</sup> moved to adhere to the Senate's position to HB 1055 and that a Conference Committee be appointed. There was no objection and Sens. **Joseph Carter** of the 13<sup>th</sup>, **Chance** and **Rogers** were appointed to the Conference Committee.

The clerk read HB 611, which changes requirements for Class I licenses for electrical contracting. Sen. **Tolleson** took the well to present the bill.

HB 611 passed by a vote of 47 to 0.

Sen. **Mullis** moved to adhere to the Senate's position on HB 1111 and that a Conference Committee be appointed. There was no objection, Sens. **Jack Murphy** of the 27<sup>th</sup>, **Bill Hamrick** of the 30<sup>th</sup> and **Mullis** were appointed to the Conference Committee.

The clerk read HB 1151, which outlines offenses for revenue and taxation crimes of exempt organizations. Sen. **Mitch Seabaugh** of the 28<sup>th</sup> took the well to present the bill.

The Committee Substitute to HB 1151 was unanimously adopted.

HB 1151 passed by substitute by a vote of 45 to 1.

The clerk read House Bill 964, which establishes boating safety zones for maritime and homeland security. Sen. **Thomas** of the 2<sup>nd</sup> took the well to present the bill.

HB 964 passed by a vote of 44 to 0.

The clerk read HB 1078, which authorizes sales tax exemption for medical equipment or prosthetic devices used by physicians. Sen. **Greg Goggans** of the 7<sup>th</sup> took the well to present the bill.

HB 1078 passed by a vote of 44 to 3.

The clerk read HB 1090, which makes changes to statutes concerning controlled substances and dangerous drugs. Sen. **Don Thomas** of the 54<sup>th</sup> took the well to present the bill.

HB 1090 passed by a vote 47 to 0.

The clerk read HB 1116, which increases the minimum reimbursement paid to counties for housing state inmates. Sen. **Johnny Grant** of the 25<sup>th</sup> took the well to present the bill and Amendment 1, which increases the jail subsidy and relieves the General Assembly from appropriating funds for inmate transfers.

Sen. **Carter** took the well to present Amendment 2, which allows convicted defendants to be transferred into the state system during the appeal process.

Amendment 1 was adopted by a vote of 28 to 12.

Amendment 2 was unanimously adopted.

HB 1116 passed as amended by a vote of 52 to 0.

The clerk read HB 1129, known as the *Georgia Tourism Development Act*, which promotes the creation and expansion of tourism attractions in Georgia. Sen. **Chip Pearson** of the 51<sup>st</sup> took the well to present the bill.

The Committee Substitute to HB 1129 was unanimously adopted.

HB 1129 passed by substitute by a vote of 46 to 3.

The clerk read HB 1160, which allows counties to transfer development rights. Sen. **Doug Stoner** of the 6<sup>th</sup> took the well to present the bill.

The Committee Substitute to HB 1160 was unanimously adopted.

HB 1160 passed by substitute by a vote of 47 to 4.

The clerk read HB 1246, which clarifies eligibility requirements for broadcasting and insurance companies to receive income tax credits. Sen. **Rogers** took the well to present the bill and yielded to questions from Sen. **Thomas** of the 2<sup>nd</sup>

The Committee Substitute to HB 1246 was unanimously adopted.

HB 1246 passed by substitute by a vote of 48 to 3.

The clerk read HB 1280, which authorizes Regional Economic Assistance Project (REAP) to sell alcoholic beverages. Sen. **David Shafer** of the 48<sup>th</sup> took the well to present the bill.

Sen. **Renee Unterman** of the 45<sup>th</sup> took the well to present Amendment 1, which would allow the new Gwinnett stadium to be included in Sunday sales of alcohol.

Amendment 1 was unanimously adopted.

HB 1280 passed by a vote of 39 to 12 as amended.

The clerk read HB 1281, which allows political subdivisions and local governments to tighten or relax state-imposed water restrictions. Sen. **Bulloch** took the well to present the bill and Amendment 1 and 2.

Amendment 1 gives the Environmental Protection Division (EPD) five days to decide on granting water restriction variances once petitioned by a local government. The amendment also requires the Department of Natural Resources (DNR) board to adopt rules relating to drought management. Amendment 2 exempts political subdivisions from certain penalties.

Sen. **Bulloch** yielded to questions from Sens. **Thompson** of the 33<sup>rd</sup>, **Unterman**, **Thomas** of the 2<sup>nd</sup>, **Dan Moody** of the 56<sup>th</sup>, **Nan Orrock** of the 36<sup>th</sup>, **Tolleson** and **Kasim Reed** of the 35<sup>th</sup>.

Sen. **Harp** took the well to offer his support to the bill.

Sen. **Wiles** took the well to discuss water restriction issues facing suburban areas in Georgia.

Sen. **George Hooks** of the 14<sup>th</sup> took the well to speak in support of the bill and Amendments 1 and 2.

Sen. **Seabaugh** took the well to present Amendment 3, which mandates that if a petition is filed, the EDP's variance stays in effect until the petition is resolved. He yielded to questions from Sens. **Bulloch** and **Bill Cowsert** of the 46<sup>th</sup>.

Amendment 1 was unanimously adopted.

Amendment 2 was unanimously adopted.

Amendment 3 failed by a vote of 6 to 27.

The Committee Substitute to HB 1281 was unanimously adopted as amended.

HB 1281 passed by substitute by a vote of 39 to 13.

Sen. **Smith** moved the Senate agree to the House Substitute to SB 355 as amended. He took the well to explain the bill and his amendment. SB 355 ensures that mortgage settlement proceeds are collected by the agent in the form of collectable funds. The amendment changes the time period for the disbursement of funds. He yielded to questions from Sen. **Ralph Hudgens** of the 47<sup>th</sup>.

The Senate agreed to the House Substitute to SB 355 as amended by a vote of 47 to 0.

Sen. **Ed Harbison** of the 15<sup>th</sup> moved that the Senate adhere to its disagreement to the House Amendment to SB 345, and that a Conference Committee be appointed. There was no objection, and Sens. **Johnson**, **Harbison** and **Weber** were appointed to the Conference Committee.

The clerk read HB 1346, which sets forth penalties for organized retail theft. Sen. **Hamrick** took the well to present the bill and Amendment 1, which makes several language clarifications.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 1346 was unanimously adopted as amended.

HB 1346 passed by substitute by a vote of 47 to 2.

The Senate stood in recess for dinner and reconvened at 6:00 p.m.

The clerk read HB 237, which provides for a tax exemption on equipment used for manufacturing. Sen. **Rogers** took the well to present the bill.

The Committee Substitute to HB 237 was unanimously adopted.

HB 237 passed by a vote of 38 to 6.

The clerk read HB 250, which allows the Professional Standards Commission to immediately investigate educators convicted of drug possession/distribution or any sexual offense. Sen. **Weber** took the well to present the bill.

The Committee Substitute to HB 250 was unanimously adopted.

HB 250 passed by substitute by a vote of 46 to 0.

Sen. **Rogers** moved that the Senate agree to the House Amendment to the Senate Substitute to HB 294 as amended. He took the well to present the bill, which extends the sunset date for volunteer health clinics to receive tax exemption.

The motion passed by a vote of 39 to 10.

Sen. **Rogers** moved for a rule of germaneness of the House Amendment to the Senate Substitute to HR 1246, which relates to tax reform in Georgia, Lt. Gov. **Cagle** found the amendment non-germane.

The clerk read HB 255, which increases the reduction of retirement benefits if a public employee is convicted of a crime. Sen. **Bill Heath** of the 31<sup>st</sup> took the well to present the bill and yielded to questions from Sen. **Thomas** of the 2<sup>nd</sup>.

The Committee Substitute to HB 255 was unanimously adopted.

HB 255 passed by substitute by a vote of 43 to 6.

The clerk read HB 272, which places a cap on the sales tax applied to energy use for manufacturing. Sen. **Rogers** took the well to present the bill and yielded to questions from Sens. **Thomas** of the 2<sup>nd</sup>, **Orrock**, **Tolleson** and **Meyer von Bremen**.

The Committee Substitute to HB 272 was unanimously adopted.

HB 272 passed by substitute by a vote of 47 to 4.

The clerk read HB 670, which provides several tax relief measures, including an income tax credit for wood residuals, credits for the implementation of energy efficient projects and exempts insures from state premium taxes an high deductible health plans. Sen. **Mullis** took the well to present the bill and yielded to questions from Sen. **Hooks**.

The Committee Substitute to HB 670 was unanimously adopted.

HB 970 passed by substitute by a vote of 48 to 3.

The clerk read HB 815, which establishes a retirement plan for the Board of Regents. Sen. **Harp** took the well to present the bill.

HB 815 passed by a vote of 49 to 0.



The clerk read HB 831, which creates the Charter Schools Capital Finance Act to establish a grant program for charter schools to purchase property. Sen. **Weber** took the well to present the bill. He yielded to questions from Sen. **Robert Brown** of the 26<sup>th</sup>.

HB 831 passed by a vote of 49 to 5.

The clerk read HB 957, which extends sales tax exemptions until the year 2010 for job training programs for the disadvantaged and for nonprofit health centers. Sen. **Goggans** took the well to present the bill, and yielded to questions from Sen. **Johnson**.

HB 957 passed by a vote of 49 to 1.

The clerk read HB 1040, which allows juvenile court judges to appoint permanent guardians for children involved in custody cases. Sen. **Harp** took the well to present the bill and yielded to questions from Sens. **Nancy Schaefer** of the 50<sup>th</sup>, **Thompson** of the 33<sup>rd</sup> and **Murphy**.

HB 1040 passed by a vote of 52 to 0.

Sen. **Bulloch** moved that the Senate agree to the House Substitute to SB 129. There was no objection.

The clerk read HB 1051, which requires the Georgia Child Fatality Review Panel to submit an annual report to the Judiciary Committees of the Senate and House of Representatives on the prevalence of child fatalities in Georgia. Sen. **Smith** took the well to present the bill. He yielded to questions from Sen. **Cowsert**.

HB 1051 passed by a vote of 52 to 0.

The clerk read HB 1065, which allows county boards of education to include charter schools as capital outlay projects. Sen. **Rogers** took the well to present the bill.

HB 1065 passed by a vote of 47 to 3.

Sen. **Johnson** took the gavel to preside over the Senate.

The clerk read HB 1093, which provides mortgage grantors the right to file a civil suit if they are not given written notice of satisfaction or cancellation of the mortgage debt within 60 days of payment. Sen. **Cowsert** took the well to present the bill and Amendment 1, which makes a language clarification.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 1093 was unanimously adopted as amended.

HB 1093 passed by substitute by a vote of 52 to 0.

The clerk read HB 1168 which makes slight changes to provisions of the “hotel/motel” tax. Sen. **Rogers** took the well to present the bill, and yielded to questions from Sens. **Thompson** of the 33<sup>rd</sup>, **Wiles**, **Reed** and **Stoner**.

The Committee Substitute to HB 1168 was unanimously adopted.

HB 1168 passed by substitute by a vote of 42 to 5.

The clerk read HB 1178, which extends the state sales tax exemption two years for gas used for raising pigs. Sen. **Tim Golden** of the 8<sup>th</sup> took the well to present the bill and yielded to questions from Sen. **Bulloch**.

HB 1178 passed by a vote of 48 to 2.

The clerk read HB 1235, which provides that if a law enforcement officer refuses to recognize a fleet insurance card as valid proof of insurance and impounds or tows the vehicle, that law enforcement agency will be held liable for the fees of wrongful impoundment or towing. Sen. **Ron Ramsey** of the 43<sup>rd</sup> took the well to present the bill.

The Committee substitute to HB 1235 was unanimously adopted.

HB 1235 passed by substitute by a vote of 49 to 0.

The clerk read HB 1249, which provides a limited income tax credit for solar energy technology manufacturing facilities. Sen. **Rogers** took the well to present the bill.

The Committee Substitute to HB 1249 was unanimously adopted.

HB 1249 passed by substitute by a vote of 48 to 3.

The clerk read HB 1277, which allows charter school personnel to be considered for state health insurance. Sen. **Weber** took the well to present the bill.

HB 1277 passed by a vote of 47 to 1.

The clerk read HB 1299, which includes portions of several bills aimed at the reform of Grady Hospital, including the Public Hospital Integrity Act, the Whistleblower Open Settlements Act and requires public hospitals to comply with open records laws.

Sen. **Shafer** took the well to present the bill and Amendments 1, 1a and 2. Amendment 1a sets forth provisions for the performance of abortion procedures, and Amendment 1 outlines the types of medical procedures, including abortions, that can be offered by a public hospital. Amendment 2 makes several language clarifications. Sen. **Shafer** yielded to questions from Sens. **Fort**, **Orrock** and **Hooks**.

Sen. **Adelman** moved for a rule on germaneness of the amendments. Sen. **Johnson** found the amendments germane. Sen. **Adelman** yielded to questions from Sen. **Steve Henson** of the 41<sup>st</sup>.

Sen. **Adelman** then moved for yeas and nays vote on the germaneness of the amendment. The motion passed by a vote of 27 to 16.

Sen. **Fort** took the well to discuss the need for an oversight provision in the bill and to speak against the amendments.

Sen. **Adelman** took the well to speak against the amendments.

Amendment 1a was adopted by a vote of 24 to 13.

Amendment 1 was adopted as amended by a vote of 30 to 16.

Amendment 2 was unanimously adopted.

The Committee Substitute to HB 1299 was unanimously adopted as amended.

HB 1299 passed by substitute by a vote of 33 to 16.

Sen. **Murphy** moved the Senate disagree to the House Substitute to SB 154. There was no objection.

The clerk read HB 280, which prohibits the sale of marijuana-flavored candy. Sen. **Stoner** took the well to present the bill. He yielded to questions from Sen. **Heath**.

The Committee Substitute to HB 280 was unanimously adopted.

HB 280 passed by substitute by a vote of 42 to 3.

Following the announcements, Majority Leader **Tommie**



# *From the Upper Chamber*



*Senate Information Office ♦ 201 Legislative Office Building ♦ Atlanta, Georgia ♦ 404.656.0028*

of the 19<sup>th</sup> moved that the Senate adjourn until 10:00 a.m., Wednesday, April 2.

Following the morning announcements, Majority Leader **Williams** moved that the Senate stand in recess until 12:00 a.m., then adjourn until 10:00 a.m. on Monday, March 31.

# # # #